

REMARKS

Claims 1-12 remain active in this application. The specification has been reviewed and editorial revisions made where seen to be appropriate. Claims 1 and 9 have been amended. Support for the amendment of claim 1 is found throughout the application, particularly in Figure 1 and the description thereof on page 3, lines 21-25, as well as page 2, lines 10-11, and lines 19-20. Claim 9 was amended editorially. The Abstract has been revised to have a length of 150 words or fewer. No new matter has been introduced into the application.

The Examiner has rejected claims 1-12 of the application under 35 U.S.C. 103(a) as being unpatentable over “BBB” (PTO-892, Items: U), in view of PR Newswire (PTO-892, Item: V), hereinafter referred to as “PRN.” These rejections are respectfully traversed.

BBB offers internet consumers reliability assurance about the companies that they choose to do business with online. However, they do not detail the services of the BBB OnLine Reliability Program business participants or provide specific claims about what aspects of a BBB OnLine business warrant the certification. In other words, BBB OnLine participants, agree to adhere to a code of business ethics and maintain a reputation consistent with BBB standards. The present invention, on the other hand, certifies any number of *individual claims* made by a company about a product or service offering rather than a set of business practices to which a business is promised to adhere. This difference, although it may seem subtle, has a variety of consequences affecting not only the reputation of the claimed product or service (and consequently the provider), but also the efficiency of meeting consumer needs by providing a more comprehensive set of options to the consumer.

BBB OnLine does not verify individual product or service claims of the provider, rather, it only verifies that the provider resolves complaints promptly and meets the other program standards. The standards are directed toward *business practices* rather than guarantees of the veracity of claims in regard to products and services offered by the company. Specifically, according to BBB, page 12, “it is important for you to remember that a business’s participation in BBBOnLine *does not guarantee* you will be satisfied with a product or service. While BBBOnLine participants have satisfactory complaint handling records with Better Business Bureaus, this does not mean that they have never experienced complaints, nor is it a guarantee that they won’t in the future.” The present invention (sometimes

referred to herein as “Certified.com”) guarantees the claims about a product or service. It is possible that a customer may not be satisfied with other aspects of their interaction with the provider, but the specified claims about the product or service are specifically certified. Thus, BBB teaches away from the present invention, as claimed.

Further, BBB does not meet the consumer needs as they are searching online for reputable goods or services. Specifically, BBB provides a link to a BBB OnLine business participant’s website only by going through the BBB OnLine search engine. Adjacently located to this link, a brief report about the company (“View BBB Report”) is also made available. The products and services provided by that company are listed in a cursory fashion. For example, if “flower delivery” is input into the search engine, two matches are found nationwide. A sufficient product description for a “flower delivery” business according to BBB standards is: “This company services retail florist and gift shop full service.”

There is no certification of specific services available that would be relevant to the “flower delivery” market (i.e., service area, delivery rates, price, product origins, product selection, etc. as noted in the specification, paragraph beginning on page 4, line 21). The certification service provided by the present invention could certify any or all (verifiable) claims by a company in the flower delivery business in regard to the aforementioned topics. For example, a flower delivery business may offer services such as 24-hour delivery, or flowers (a.k.a. products) that will remain in bloom for at least one week after delivery and certify either or both of these offerings through the certified.com website. When a consumer is looking for a reputable site to deliver flowers, these distinguishable, certified features are disclosed on the certified.com website, allowing the consumer to choose the company that best suits their needs.

Further, for an industry as large as “flower delivery” it is not satisfactory for the user to have access to such a limited pool of results (two matches). This does not help the majority of consumers to locate a reputable service to meet their needs. The small selection of “flower delivery” participants could be attributed to a variety of factors (i.e., not all business practices meet BBB standards, program fees, not sensing that the BBB OnLine is a worthwhile method for increasing business, etc.). In the present invention, since only specific claims are certified, the provider can focus on the claims of their goods and services and not overall company protocol according to the BBB OnLine standards, the price for certification for an individual claim may be more cost effective than participating

in the BBB OnLine, and companies are more likely to apply for certification, in light of the marketing focused presentation provided by the certified.com website.

BBB further indicates that, as a matter of policy, "Better Business Bureaus do not endorse any company, product or service and participation in a Better Business Bureau program is not a guarantee by the Better Business Bureau of the company's performance." BBB does not post info on web page about any company's products or services unless sought out by the consumer through a search engine. Certified.com, as shown in Figure 1, intends to provide featured advertisements 14 of product claims or services on the main page 11 of the website and certifies individual claims as true. This function is performed as an additional benefit to the provider, and may help introduce the scope of certified products or services to the consumer and is in no way taught or suggested by BBB.

In regard to the Examiner's rejection of claim 1, and dependent claims 2-12, the BBB does not teach entering into a contract between a certification service and a provider of a product or service for which the provider makes certain claims, verifying these certain claims made by the provider to be certified for the product or service under the terms of the contract, all as explicitly recited in claim 1. Further, BBB does not teach the posting of information on their web page about the product or service in which the certain claims verified as true are prominently displayed.

PRN does not compensate for the deficiencies of the BBB as would be necessary to form a proper rejection of claims 1-12 under 35 U.S.C. 103(a). PRN discusses an Integrated Convergence Switch having successfully completed the stringent testing required for NEBS Level 3 certification. The fact a product such as the integrated convergence switch is certified, does not render the present invention (a database of certified products and services, posted and/or searchable from a web site to enable consumers to quickly find a reputable product or service according to the specific claims made about the product or service offered) obvious in view of BBB.

Further the PRN reference does not verify any of the claims about the Integrated Convergence Switch to be true. As the Examiner notes, the PRN reference contains text referring to a certification of a device to meet a standard. However, in terms of the invention, this text concerning certification corresponds to a "claim" rather than certification itself. Many claims are made about products or services claiming features or standards via the internet, but these claims cannot be guaranteed as true, trustworthy, or reliable. The present invention specifically

indicates, and certifies via special display, the particular claims to a product or service certified as being true. No corresponding certification of a claim is taught or remotely suggested in PRN.

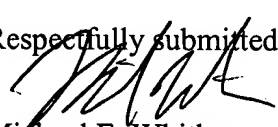
Finally, neither BBB nor PRN suggest or make obvious "posting information on the Web page about the product or service in which said certain claims verified as true are prominently displayed." As such, no combination of these references would make the claimed invention obvious.

In view of the foregoing, the references, either individually or in combination, do not make a *prima facie* demonstration of obviousness of claims 1-12 of the present invention under 35 U.S.C. 103(a). Accordingly, withdrawal of the rejection to claims 1-12 is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,


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